

SALLIE B. SANFORD

IBLA 76-44

Decided October 30, 1975

Appeal from decision of New Mexico State Office requiring lease offeror to consent to certain special stipulations imposed by the Department of the Army, Corps of Engineers, as a condition to issuance of an oil and gas lease on acquired lands. NM-A 19546 (Texas)

Affirmed.

1. Oil and Gas leases: Acquired Lands Leases -- Oil and Gas Leases:  
Applications: Generally -- Oil and Gas Leases: Consent of Agency

An applicant for an acquired lands oil and gas lease must execute any special stipulations required by the agency administering the land as a condition precedent to the issuance of the lease, or suffer rejection of the offer.

APPEARANCES: Sallie B. Sanford, pro se.

OPINION BY ADMINISTRATIVE JUDGE RITVO

Sallie B. Sanford has appealed from a decision of the New Mexico State Office, dated June 5, 1975, which required her to execute certain stipulations for acquired lands under the jurisdiction of the Department of the Army, Corps of Engineers, before a noncompetitive oil and gas lease would be issued.

Sanford filed a noncompetitive oil and gas lease offer (NM-A 19546 (Texas)) in the New Mexico State Office of the Bureau of Land Management pursuant to the Mineral Leasing Act for Acquired Lands of 1947, as amended, 30 U.S.C. §§ 351-59 (1970). The lease offer described 1289.80 acres within the Benbrook Lake Project in Tarrant County, Texas, under the administrative jurisdiction of the Fort Worth District of the Army Corps of Engineers.

The lease offer was submitted on March 20, 1975, to the Corps of Engineers for consideration of surface and environmental protection stipulations. The Corps of Engineers responded May 16, 1975, consenting to the issuance of a lease with certain stipulations and prohibiting on-site drilling within the applied-for tract.

Pursuant to the report of the Corps of Engineers, the Bureau of Land Management properly issued the decision of June 5, 1975, requiring appellant to execute the stipulations specified by the administering agency.

[1] The Mineral Leasing Act for Acquired Lands, supra, provides that an acquired lands lease may be issued only with the consent of the head of the agency having jurisdiction over such lands " \* \* \* subject to such conditions as that official may prescribe \* \* \* ." 30 U.S.C. § 352 (1970); 43 CFR 3109.3-1; O. C. Welch, 11 IBLA 163 (1973); Duncan Miller, 5 IBLA 364 (1972). The Bureau has no authority to issue the lease free of the stipulations. Cf. Duncan Miller, 6 IBLA 216, 79 I.D. 416 (1972). Where an agency conditions its consent upon the execution of special stipulations by the lessee, the applicant must sign them or suffer rejection of his offer. Duncan Miller, 1 IBLA 266 (1971); Celia R. Kammerman, 66 I.D. 255 (1959).

Appellant will be allowed 30 days from receipt of this decision to execute and file these stipulations in the New Mexico State Office. Failure to file will result in rejection of the offer without further notice.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Martin Ritvo  
Administrative Judge

We concur:

Anne Poindexter Lewis  
Administrative Judge

Edward W. Stuebing  
Administrative Judge

